

**Amendment No. 2 to SB3637****Cooper  
Signature of Sponsor****AMEND Senate Bill No. 3637\*****House Bill No. 3493**

by deleting all language after the enacting clause of the introduced bill and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-15-201, is amended by adding the following as a new, appropriately designated subdivision:

( ) "Mattress" means any quilted pad, mattress, mattress pad, bunk quilt or cushion, stuffed and filled with wool, hair or other soft material, to be used on a couch or other bed for sleeping or reclining purposes;

( ) "Comfort exchange policy" means a policy offered by a mattress manufacturer, wholesaler or retailer to a mattress buyer authorizing such buyer to exchange the mattress for a different firmness or for other reasons, within a certain period.

SECTION 2. Tennessee Code Annotated, Title 68, Chapter 15, Part 2, is amended by adding the following as a new, appropriately designated section:

68-15-2\_\_.

(a) It is unlawful for a mattress manufacturer, wholesaler or retailer, whose sole business is the sale of mattresses, to offer a comfort exchange policy to a mattress buyer pursuant to the sale of such mattress.

(b) A first offense for a violation of this part is a Class C misdemeanor, punishable by a fine only of fifty dollars (\$50.00); a second such offense is a Class B misdemeanor, punishable by a fine only of five hundred dollars (\$500); and a third or subsequent such offense is a Class A misdemeanor, punishable by a fine only of two thousand five hundred dollars (\$2,500).

(c) Each violation of this section shall be considered a separate offense.

(d) A violation of this section shall constitute a violation of the Tennessee Consumer Protection Act, as set out in title 47, chapter 18, part 1. For the purpose of application of the Tennessee Consumer Protection Act, any violation of the provisions of this section shall be construed to constitute an unfair or deceptive act or practice affecting the conduct of any trade or commerce.

SECTION 3. This act shall take effect July 1, 2006, the public welfare requiring it, and shall apply to deliveries made on or after such date.